

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

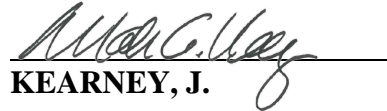
THE PHILADELPHIA REGIONAL PORT AUTHORITY	:	CIVIL ACTION
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	:	
v.	:	NO. 24-1008
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UNITED STATES ARMY CORPS OF ENGINEERS, DISTRICT COMMANDER FOR THE PHILADELPHIA DISTRICT OF THE ARMY CORPS OF ENGINEERS, JEFFREY BEEMAN, CHIEF OF THE REGULATORY BRANCH FOR THE PHILADELPHIA DISTRICT OF THE ARMY CORPS OF ENGINEERS, TODD A. SCHAIBLE	:	
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ORDER

AND NOW, this 28th day of October 2024, upon studying Defendants' Motion for partial summary judgment (ECF 23-1) on claims challenging the 404/10 permit and 408 approval, Plaintiff's cross-Motion for partial summary judgment (ECF 24) seeking to set aside the 404/10 permit and 408 approval, the responses, confirming no genuine issues of material fact, extended oral argument (ECF 34, 36), for reasons in today's accompanying Memorandum, and for good cause to address the parties' next steps, it is **ORDERED** we:

1. **DENY** Defendants' Motion for partial summary judgment (ECF 23-1);
2. **GRANT** Plaintiff's cross Motion for partial summary judgment (ECF 24) upon finding the August 4, 2022 404/10 permit and 408 approval issued by the District Commander based on recommendations of the Philadelphia District of the United States Army Corps of Engineers are **UNLAWFUL** and must be **SET ASIDE** consistent with Congress's mandate in 5 U.S.C. § 706(2); and,

3. **DIRECT** the parties to promptly and meaningfully (not just email) meet and confer so as to allow Plaintiff to file a Notice not exceeding two pages no later than **November 7, 2024** as to how they wish to proceed in resolving Plaintiff's remaining claims including under section 204(f) mindful of their obligations under our October 16, 2024 Order (ECF 39) including good faith efforts to resolve the remaining claims without prejudice consistent with Rule 1 given the possibility of renewed efforts relating to the 404/10 permit and 408 approval under today's accompanying Memorandum.


KEARNEY, J.